

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

<b>JASON DAVID BROWN,</b>	)	
<b>LASZLO BOZSO, and</b>	)	
<b>MERIS DUDZIC,</b>	)	
<b>individually and on behalf of</b>	)	
<b>all others similarly situated,</b>	)	
<b>Plaintiffs,</b>	)	
	)	<b>Case No. 5:13-CV-00079-RLV-DCK</b>
<b>v.</b>	)	
<b>LOWE'S COMPANIES, INC., and</b>	)	
<b>LEXISNEXIS SCREENING</b>	)	
<b>SOLUTIONS, INC.</b>	)	
<b>Defendants.</b>	)	

**LOWE'S COMPANIES, INC.'S MOTION TO DISMISS COUNT ONE OF  
PLAINTIFFS' ORIGINAL CLASS ACTION COMPLAINT WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Lowe's Companies, Inc. ("Lowe's"), through undersigned counsel, respectfully moves this Court for the entry of an order granting its Motion to Dismiss Count One of Plaintiffs' Original Class Action Complaint ("Complaint") with prejudice.

Plaintiffs are not entitled to relief from Lowe's on their claims under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§1681, *et seq.*, because Count One of the Complaint does not allege a violation of the FCRA by Lowe's. Accordingly, Plaintiffs have failed to state a claim upon which relief can be granted.

For this reason, and as more fully set forth in the accompanying Memorandum of Law, Lowe's respectfully requests that the Court grant its Motion to Dismiss Count One of Plaintiffs'

Original Class Action Complaint with prejudice and grant it such other relief as the Court deems appropriate.

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***Attorneys for Defendant Lowe's Companies, Inc.***

## **CERTIFICATE OF SERVICE**

I certify that on July 11, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following person(s):

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I further certify that on July 11, 2013, I served the foregoing by first class mail, postage prepaid, on the following:

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